

Conference Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 244

HOUSE BILL 2353

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Permit to carry concealed weapon; qualification;
5 application; training program; program instructors;
6 report; applicability; violation; classification

7 A. The department of public safety shall issue a permit to carry a
8 concealed weapon to a person who is qualified under this section. The person
9 shall carry the permit at all times when the person is in actual possession
10 of the concealed weapon and shall present the permit for inspection to any
11 law enforcement officer on request.

12 B. A person who fails to carry the permit at all times that the person
13 is in actual possession of a concealed weapon may have the permit suspended.
14 The department of public safety shall be notified of all violations of this
15 section and shall immediately suspend the permit. The permittee shall
16 present the permit to the law enforcement agency or the court. On
17 notification of the presentation of the permit, the department shall restore
18 the permit.

19 C. The permit of a person who is arrested or indicted for an offense
20 that would make the person unqualified under the provisions of section
21 13-3101, SUBSECTION A, paragraph 6 or this section shall be immediately
22 suspended and seized. The permit of a person who becomes unqualified on
23 conviction of that offense shall be revoked. The permit shall be restored
24 on presentation of documentation from the court if the permittee is found not
25 guilty or the charges are dismissed. The permit shall be restored on
26 presentation of documentation from the county attorney that the charges
27 against the permittee were dropped or dismissed.

28 D. A person who fails to present a permit for inspection on the
29 request of a law enforcement officer is guilty of a class 2 misdemeanor.

30 E. The department of public safety shall issue a permit to an
31 applicant who meets all of the following conditions:

32 1. Is a resident of this state or a United States citizen.

33 2. Is twenty-one years of age or older.

34 3. Is not under indictment for and has not been convicted in any
35 jurisdiction of a felony.

36 4. Does not suffer from mental illness and has not been adjudicated
37 mentally incompetent or committed to a mental institution.

38 5. Is not unlawfully present in the United States.

39 6. Satisfactorily completes a firearms safety training program
40 approved by the department of public safety pursuant to subsection N of this
41 section. This paragraph does not apply to a person who is an active duty
42 Arizona peace officer standards and training board certified or federally
43 credentialed peace officer or who is honorably retired as a federal, state
44 or local peace officer with a minimum of ten years of service.

1 F. The application shall be completed on a form prescribed by the
2 department of public safety. The form shall not require the applicant to
3 disclose the type of firearm for which a permit is sought. The applicant
4 shall attest under penalty of perjury that all of the statements made by the
5 applicant are true. The applicant shall submit the application to the
6 department with a certificate of completion from an approved firearms safety
7 training program, two sets of fingerprints and a reasonable fee determined
8 by the director of the department.

9 G. On receipt of an application, the department of public safety shall
10 conduct a check of the applicant's criminal history record pursuant to
11 section 41-1750. The department of public safety may exchange fingerprint
12 card information with the federal bureau of investigation for national
13 FEDERAL criminal history records RECORD checks.

14 H. The department of public safety shall complete all of the required
15 qualification checks within sixty days after receipt of the application and
16 shall issue a permit within fifteen working days after completing the
17 qualification checks if the applicant meets all of the conditions specified
18 in subsection E of this section. If a permit is denied, the department of
19 public safety shall notify the applicant in writing within fifteen working
20 days after the completion of all of the required qualification checks and
21 shall state the reasons why the application was denied. On receipt of the
22 notification of the denial, the applicant has twenty days to submit any
23 additional documentation to the department. On receipt of the additional
24 documentation, the department shall reconsider its decision and inform the
25 applicant within twenty days of the result of the reconsideration. If
26 denied, the applicant shall be informed that the applicant may request a
27 hearing pursuant to title 41, chapter 6, article 10.

28 I. On issuance, a permit is valid for ~~a period of not more than~~ four
29 years.

30 J. The department of public safety shall maintain a computerized
31 permit record system that is accessible to criminal justice agencies for the
32 purpose of confirming the permit status of any person who claims to hold a
33 valid permit ISSUED BY THIS STATE. This information shall not be available
34 to any other person or entity except on an order from a state or federal
35 court.

36 K. A permit issued pursuant to this section is renewable every four
37 years. Before a permit may be renewed, a criminal history record check shall
38 be conducted pursuant to section 41-1750 within sixty days after receipt of
39 the application for renewal.

40 L. Applications for renewal shall be accompanied by a fee determined
41 by the director of the department of public safety. A certificate of
42 completion of a four-hour refresher firearms safety training program approved
43 by the director of the department is required before a renewal permit may be
44 issued and shall accompany an application for renewal.

1 M. The department of public safety shall suspend or revoke a permit
2 issued under this section if the permit holder becomes ineligible pursuant
3 to subsection E of this section. The department of public safety shall
4 notify the permit holder in writing within fifteen working days after the
5 revocation or suspension and shall state the reasons for the revocation or
6 suspension.

7 N. An organization shall apply to the department of public safety for
8 approval of its firearms safety training program. The department shall
9 approve a program that meets the following requirements:

10 1. Is at least sixteen hours in length.
11 2. Is conducted on a pass or fail basis.
12 3. Addresses all of the following topics in a format approved by the
13 director of the department:

14 (a) Legal issues relating to the use of deadly force.

15 (b) Weapon care and maintenance.

16 (c) Mental conditioning for the use of deadly force.

17 (d) Safe handling and storage of weapons.

18 (e) Marksmanship.

19 (f) Judgmental shooting.

20 4. Is conducted by instructors who submit to a background
21 investigation, including a check for warrants and a criminal history record
22 check.

23 O. If approved pursuant to subsection N of this section, the
24 organization shall submit to the department of public safety two sets of
25 fingerprints from each instructor and a fee to be determined by the director
26 of the department of public safety. On receipt of the fingerprints and fee,
27 the department of public safety shall conduct a check of each instructor's
28 criminal record history RECORD pursuant to section 41-1750. The department
29 of public safety may exchange this fingerprint card information with the
30 federal bureau of investigation for national FEDERAL criminal history records
31 RECORD checks.

32 P. The proprietary interest of all approved instructors and programs
33 shall be safeguarded, and the contents of any training program shall not be
34 disclosed to any person or entity other than a bona fide criminal justice
35 agency, except upon an order from a state or federal court.

36 Q. If the department of public safety rejects a program, the rejected
37 organization may request a hearing pursuant to title 41, chapter 6,
38 article 10.

39 R. The department of public safety shall maintain information
40 comparing the number of permits requested, the number of permits issued and
41 the number of permits denied. The department shall annually report this
42 information to the governor and the legislature.

43 S. The director of the department of public safety shall adopt rules
44 for the purpose of implementing and administering the concealed weapons

1 permit program, including fees relating to permits issued pursuant to this
2 section.

3 T. The department of public safety shall enter into reciprocal
4 agreements with states that have concealed weapons laws substantially similar
5 to this section for the purpose of establishing a basis under which a
6 concealed weapons license or permit that is issued by either state may be
7 used by the licensee or permittee within the jurisdiction of either state.
8 IF ANOTHER STATE REQUIRES THIS STATE TO ENTER INTO A RECIPROCAL AGREEMENT
9 BEFORE ACCEPTING A CONCEALED WEAPONS PERMIT ISSUED IN THIS STATE, THE
10 DEPARTMENT OF PUBLIC SAFETY SHALL ENTER INTO THE AGREEMENT IF THE ISSUING
11 AUTHORITY FOR THE OTHER STATE:

- 12 1. ISSUES A PERMIT WITH AN EXPIRATION DATE PRINTED ON THE PERMIT.
- 13 2. IS AVAILABLE TO VERIFY THE PERMIT STATUS FOR LAW ENFORCEMENT
14 PURPOSES WITHIN THREE BUSINESS DAYS OF A REQUEST FOR VERIFICATION.
- 15 3. HAS DISQUALIFICATION, SUSPENSION AND REVOCATION REQUIREMENTS FOR
16 CONCEALED WEAPONS PERMITS.
- 17 4. REQUIRES THAT AN APPLICANT FOR A CONCEALED WEAPONS PERMIT MEET ALL
18 OF THE FOLLOWING CONDITIONS:
 - 19 (a) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK.
 - 20 (b) IS NOT PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO FEDERAL
21 LAW.
 - 22 (c) SATISFACTORILY COMPLETES A FIREARMS SAFETY PROGRAM.

23 U. NOTWITHSTANDING SUBSECTION T OF THIS SECTION, UNLESS A PERSON WOULD
24 BE A PROHIBITED POSSESSOR IN THIS STATE, A PERSON WHO IS A RESIDENT OF
25 ANOTHER STATE AND WHO IS TEMPORARILY IN THIS STATE MAY CARRY A CONCEALED
26 WEAPON IN THIS STATE WITHOUT A PERMIT ISSUED PURSUANT TO THIS SECTION IF BOTH
27 OF THE FOLLOWING APPLY:

- 28 1. THE PERSON IS LEGALLY IN THIS STATE.
- 29 2. THE PERSON PRESENTS A VALID CONCEALED WEAPONS PERMIT FROM ANOTHER
30 STATE ON THE REQUEST OF A LAW ENFORCEMENT OFFICER IF THE ISSUING AUTHORITY
31 FOR THE OTHER STATE:
 - 32 (a) ISSUES A PERMIT WITH AN EXPIRATION DATE PRINTED ON THE PERMIT.
 - 33 (b) HAS DISQUALIFICATION, SUSPENSION AND REVOCATION REQUIREMENTS FOR
34 CONCEALED WEAPONS PERMITS.
 - 35 (c) REQUIRES THAT AN APPLICANT FOR A CONCEALED WEAPONS PERMIT MEET ALL
36 OF THE FOLLOWING CONDITIONS:
 - 37 (i) SUBMITS TO A CRIMINAL HISTORY RECORD CHECK.
 - 38 (ii) IS NOT PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO FEDERAL
39 LAW.
 - 40 (iii) SATISFACTORILY COMPLETES A FIREARMS SAFETY PROGRAM.

1 V. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A PERSON WITH A
2 CONCEALED WEAPONS PERMIT FROM ANOTHER STATE MAY NOT CARRY A CONCEALED WEAPON
3 IN THIS STATE IF THE PERSON IS UNDER TWENTY-ONE YEARS OF AGE OR IS UNDER
4 INDICTMENT FOR, OR HAS BEEN CONVICTED OF, A FELONY OFFENSE IN ANY
5 JURISDICTION, EVEN IF THE PERSON'S RIGHTS HAVE BEEN RESTORED AND THE
6 CONVICTION IS EXPUNGED, SET ASIDE OR VACATED.

APPROVED BY THE GOVERNOR MAY 20, 2003

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 21, 2003.

Passed the House February 24, 2003

by the following vote: 40 Ayes,

20 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Gorman L. Moore
Chief Clerk of the House

Passed the Senate April 17, 2003

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting

John Bennett
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

H.B. 2353

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 7, 2003,

by the following vote: 37 Ayes,

18 Nays, 5 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 13, 2003,

by the following vote: 25 Ayes,

2 Nays, 3 Not Voting

Ken Blumenthal
President of the Senate

Chaim B. Blumenthal
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 14 day of May, 2003

at 2:32 o'clock P. M.

Sandra Camacho
Secretary to the Governor

Approved this 20 day of

May, 2003,

at 9⁴⁰ o'clock A. M.

Jan Ilegu
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 21 day of May, 2003

at 3:56 o'clock P. M.

Janice L. Brewer
Secretary of State

H.B. 2353